

**PUBLIC HEARING  
BOARD OF HOUSING QUALITY APPEALS  
CITY HALL McCLOSKEY CONFERENCE ROOM  
December 08, 2010  
4:00 P.M.**

I. **ROLL CALL**

II. **ELECTION OF OFFICERS 2011**

III. **REVIEW OF SUMMARY** – September 8, 2010; October 20, 2010 (pp. 2-5)

IV. **OLD BUSINESS**

[WITHDRAWN] **718 W. Dodds Street**, Vicky Holdeman, 10-V-101. A modification or exception to the Housing Property Maintenance Code. Tabled from November 10, 2010.

**1912 E. 3<sup>rd</sup> Street**, Gi-Chae Lee, 10-AA-108. Request relief from an administrative decision concerning designation as rental property. Tabled from November 10, 2010. (pp. 6-9)

V. **NEW BUSINESS**

**508 N. Adams Street**, Action Property Management, 10-TV-112. Request an extension of time to complete repairs. (pp. 10-24)

**2615 E. 5<sup>th</sup> Street**, George Huntington, 10-V-113. A modification or exception to the Housing Property Maintenance Code. (pp. 25-30)

**3200 E. John Hinkle Place Unit C**, Matt Watson, 10-TV-114. Request an extension of time to complete repairs. (pp. 31-36)

[WITHDRAWN] **510 E. Cottage Grove Avenue**, J. Philip Barker, 10-V-115. A modification or exception to the Housing Property Maintenance Code.

**1725-1727 N. Lincoln Street**, JLW Properties, LLC, 10-TV-116. Request an extension of time to complete repairs. (pp. 37-45)

**401 S. Woodlawn Avenue**, Pavilion Properties, 10-TV-117. Request an extension of time to complete repairs. (pp. 46-52)

VI. **GENERAL DISCUSSION**

VII. **PUBLIC COMMENT**

VIII. **ADJOURNMENT**

## SUMMARY

### B.H.Q.A. MEETING OF SEPTEMBER 8, 2010

MEMBERS PRESENT: Sandi Cole, Kris Floyd, Susie Hamilton, Nikki Johnson, Justin Polston, Ryan Strauser

STAFF PRESENT: Lisa Abbott, Michael Arnold, Daniel Bixler, John Hewett, Robert Hoole, Bruce Jennings, Maria McCormick, Norman Mosier, Jo Stong (HAND), Inge Van der Cruysse (Legal)

OTHERS PRESENT: James Davis, Zella Davis (390 W. Jed Street), Douglas Horn (MCAA), Ibrahim Khairy, Lucy Khairy (219 E. 8<sup>th</sup> Street), Michael W. McBride (counsel, Olympus Properties, LLC), Judith Sylvester (1003 S. Washington Street)

#### II. REVIEW OF MINUTES

Hamilton made a motion to accept the May 12, 2010 minutes as recorded. Floyd seconded. Motion passed, 4-0-2 (Cole, Strauser abstained).

Cole made a motion to accept the July 14, 2010 minutes as recorded. Floyd seconded. Motion passed, 5-0-1 (Hamilton abstained).

#### III. PETITIONS

**390 W. Jed Street, James R. & Zella M. Davis Living Trust, 10-AA-76.** The petitioners, James & Zella Davis, were present to request relief from an administrative decision concerning designation as a rental property. Staff recommendation was to grant the request as long as Theresa L. Davis resides at the property and HAND conducts a residency check in 2013. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 6-0. The request is granted.

**219 E. 8<sup>th</sup> Street, Lucy Khairy, 10-V-75.** The petitioners, Ibrahim and Lucy Khairy, were present to request a modification or exception to the Housing Property Maintenance Code for a fuel fired furnace in a sleeping room. Staff recommendation was to grant the variance with the condition of single and multiple-station, hard wired smoke and carbon monoxide alarms shall be installed and according to specified conditions as outlined in the staff report with a deadline of November 8, 2010. Cole made a motion to grant the request per staff recommendation. Johnson seconded. Motion passed, 4-2. (Floyd, Hamilton voted nay.) The request is granted.

**1731 N. Lincoln Street, Olympus Properties, 10-AA-80.** The petitioner, as represented by legal counsel Michael McBride, was present to request relief from an administrative decision concerning egress. Staff recommendation was to deny the request for administrative relief and grant an extension of time to seek a variance from the State with a deadline of December 8, 2010. Cole made a motion to accept staff recommendation as stated. Strauser seconded. Motion passed, 5-1. (Johnson voted nay.) The request for administrative relief is denied and the extension of time is granted.

**1003 S. Washington Street, Judith Sylvester, 10-TV-77.** The petitioner, Judith Sylvester, was present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an October 24, 2010 deadline. Cole made a motion to grant the request with a December 15, 2010 deadline. Hamilton seconded. Motion passed, 6-0. Request granted.

**161-167 E. Kennedy Court, L&M Rentals, 10-TV-73.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an October 8, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 6-0. Request granted.

**412 W. 13<sup>th</sup> Street, Apt. W, Ronald B. Clapp, 10-TV-74.** Request an extension of time to complete repairs. This petition has been withdrawn.

**203 E. Vermilya Avenue, Donald Chitwood, 10-AA-78.** The petitioner was not present to request relief from an administrative decision concerning designation as rental property. Staff recommendation was to grant the request as long as Sarah Landfair resides at the property and HAND conducts a residency check in 2013. Cole made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 6-0. The request is granted.

**930 S. Manor Road, Daniel Roussos/Spiti, LLC, 10-AA-79.** The petitioner was not present to request relief from an administrative decision concerning designation as rental property. Staff recommendation was to grant the request as long as Asma El Sayed resides at the property and HAND conducts a residency check in 2013. Hamilton made a motion to grant the request per staff recommendation. Cole seconded. Motion passed, 6-0. The request is granted.

**IV. GENERAL DISCUSSION**

None.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

Cole made a motion to adjourn. Strauser seconded. Motion passed, 6-0. Meeting adjourned at 4:47 PM.

## SUMMARY

### B.H.Q.A. MEETING OF OCTOBER 20, 2010

MEMBERS PRESENT: Elizabeth Gallman, Susie Hamilton, Nikki Johnson, Justin Polston, Ryan Strauser

STAFF PRESENT: Daniel Bixler, John Hewett, Robert Hoole, Norman Mosier, Sean Person, Jo Stong (HAND), Inge Van der Cruysse (Legal)

OTHERS PRESENT: James Eierman (Jamar Properties), Jason L. McAuley (Mara Jade Holdings, LLC)

#### II. PETITIONS

**3939 W. Roll Avenue**, Jamar Properties, 10-TV-81. The petitioner, James Eierman, was present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a November 1, 2010 deadline. Gallman made a motion to grant the request with a January 30, 2011 deadline. Strauser seconded. Motion passed, 5-0. Request granted.

**420 N. Washington Street**, Michael Mazor, 10-TV-08. The petitioner was not present to request an extension of time to complete repairs. This was previously heard on March 10, 2010 and July 14, 2010. Staff recommendation was to deny the request with conditions as stated in the staff report. Hamilton made a motion to accept the staff recommendation. Strauser seconded. Motion passed, 5-0. Request denied with conditions as stated in the staff report.

**1716 N. Lincoln Street**, Jeff Olson, 10-TV-62. Request an extension of time to complete repairs. Previously heard July 14, 2010. This petition has been withdrawn.

**516-518 S. Woodlawn Avenue**, H3 Rentals, Inc., 10-TV-82. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an October 29, 2010 deadline. Polston made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 5-0. Request granted.

**2350 S. Henderson Street**, Beverley Chen, 10-TV-83. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a January 13, 2011 deadline. Hamilton made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 5-0. Request granted.

**1701 & 1726 N. Lincoln Street**, Paul B. Jackson, 10-TV-85. Request an extension of time to complete repairs. This petition has been withdrawn.

**412 & 414 W. Northlane Drive**, Marios G. Fellouka, 10-TV-86. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a December 13, 2010 deadline. Gallman made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**418 & 420 W. Northlane Drive**, Constantia McClung, 10-TV-87. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a December 13, 2010 deadline. Johnson made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 5-0. Request granted.

**602 W. Dodds Street**, Daniel O. Miller, 10-TV-88. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a December 1, 2010 deadline. Hamilton made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 5-0. Request granted.

**3421-3423 E. Kennedy Drive**, Lorelei Cascio-Sperry, 10-TV-90. The petitioner was not present to

request an extension of time to complete repairs. Staff recommendation was to grant the request with an October 31, 2010 deadline. Gallman made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**401-403, 411-413 S. Westwood Drive**, Johann Dieken, 10-V-91. Request an exception or modification to the Housing Property Maintenance Code concerning egress. The petitioner was not present to request an exception or modification to the Housing Property Maintenance Code concerning egress. Staff recommendation was to deny the request for a modification or exception to the Property Maintenance Code, complete all repairs to the property by October 24, 2010, and grant an extension of time to seek a variance from the State with a January 15, 2011 deadline. Hamilton made a motion to grant the request per staff recommendation. Johnson seconded. Motion passed, 5-0. Request for a variance denied. Extension of time granted.

**1275-1279 S. Weatherstone Lane**, Michael Latham, 10-TV-92. Request an extension of time to complete repairs. This petition has been withdrawn.

**1834-36, 1838-40, 1842-44, 1846-48, 1850-52, 1854-56 S. Covey Lane**, Housing Options, 10-TV-93. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a December 13, 2010 deadline. Gallman made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**705 N. Grant Street**, Mara Jade Holdings, LLC, 10-TV-94. Request an extension of time to complete repairs. This petition has been withdrawn.

**402 ½ & 404 ½ E. 4<sup>th</sup> Street**, HAND, 10-RV-95. Request to rescind a variance. Staff recommendation was to rescind the variances on the property. Gallman made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**IV. GENERAL DISCUSSION**

None.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

Gallman made a motion to adjourn. Strauser seconded. Motion passed, 5-0. Meeting adjourned at 4:42 PM.



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Relief from an Administrative Decision**

Meeting Date: December 8, 2010

Petition Type: Relief from an administrative decision

Variance Request: Relief from the requirement to register as a rental

Petition Number: 10-AA-108

Address: 1912 E. 3<sup>rd</sup> Street

Petitioner: Korean United Methodist Church

Prior to the expiration of the rental permit, the owner notified HAND that this property is being used by the church as housing for the pastor. Pastor Lee and his family reside in the property and the church would like it removed from the rental inspection program.

During the BHQA meeting on November 10, 2010, members of the Board expressed some concerns about not requiring rectories/parsonages to register as residential rental units. Patricia Mulvihill, attorney for both HAND and the BHQA, suggested that the matter be tabled until the December meeting so that she could research any potential legal consequences of requiring rectories/parsonages to register as residential rental units. Ms. Mulvihill's request was granted and the Board tabled this matter to the December 8, 2010 meeting.

Ms. Mulvihill researched several federal laws that pertain to the government's ability to regulate religious institutions. The research generally concluded that public health and safety measures could be imposed upon religious organizations, which would normally mean that the City could require rectories/parsonages to register as residential rental units. However, federal law also makes it clear that the government cannot impose regulations in a manner that treats religious institutions on less than equal terms of other nonreligious institutions.

Bloomington Municipal Code Section 16.12.030(b)(2) specifically exempts fraternal and social organizations from having to register as residential rental units. The Legal Department believes that the fraternal/social organizations (particularly those organizations dwelling structures) closely resemble rectories/parsonages. Because of the similarity between fraternal/social organization's dwelling units and rectories/parsonages, the Legal Department believes requiring

a rectory/parsonage to be registered as a residential rental unit may be treating religious institutions on less than equal terms of other nonreligious institutions.

The Legal Department recommends that in order to ensure compliance with federal law that the BHQA support staff's recommendation to exempt 1912 East Third Street from the requirements of Title 16 of the Bloomington Municipal Code. Ms. Mulvihill will be present at the December 8, 2010, meeting of the BHQA to answer any specific questions Board members may have regarding this issue.

Staff recommendation: Grant the relief from the rental registration process

Conditions: This agreement shall remain in force so long as the church continues to use this property as housing for the Pastor and family.

Compliance Deadline: None

Attachments: Appeal form, letter from petitioner





Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

RECEIVED  
OCT 11 2010

BY: \_\_\_\_\_

Petitioner's Name: Gi-Chae Lee

Petitioner's Address & Phone Number: 1912 E. 3<sup>rd</sup> ST 336-2576  
331-2080

Owner's Name: Korean United Methodist Church

Owner's Address & Phone Number: 1924 E. 3<sup>rd</sup> ST 331-2080

Address of Property: 1912 E. 3<sup>rd</sup> ST

Occupant(s) Name(s): Gi-Chae Lee

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

☐

A. An extension of time to complete repairs. (Petition type: TV)

- ↳ Specify the items that need the extension of time to complete
- ↳ Explain why the extension is needed
- ↳ Specify the time requested

☐

B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- ↳ Specify the code reference number you are appealing
- ↳ Detail why you are requesting the variance
- ↳ Specify the modifications and or alterations you are suggesting

☒

C. Relief from an administration decision. (Petition type: AA)

- ↳ Specify the decision being appealed and the relief you are seeking

☐

D. Rescind a variance. (Petition type: RV)

- ↳ Detail the existing variance
- ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: Gi-Chae Lee

Name (print): Gi-Chae Lee

10-~~AA~~-108

Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request).





Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

The house of 1912 E 3<sup>rd</sup> St is a property  
owned by Korean United Methodist church and  
is lived by pastor Gi-Chae Lee's family.  
We request to be exempted from rental  
registration program

Signature: Gi-Chae Lee Date: 10/11/2010



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: December 8, 2010  
Petition Type: An extension of time to complete repairs  
Petition Number: 10-TV-112  
Address: 508 N. Adams  
Petitioner: Action Property Management  
Inspector: Sean Person  
Staff Report: August 13, 2010 - Conducted Cycle Inspection  
October 20, 2010 – Received BHQA Appeal  
December 1, 2010- Sent Amended Cycle Report

During the cycle inspection it was noted that egress windows in Units A & B did not meet size requirements at the time structure was remodeled in **2001**. Records from the Building Department indicate two permits were applied for between 1989 and 2004 to remodel but the 2004 permit was never picked up. These records and a photo of the property taken on March 27, 2001 confirm windows were changed between these two dates. The petitioner is seeking an extension of time to secure a variance from the State of Indiana to allow the windows to remain as they are. Measurements are as follows:

**Unit A**

Openable area required: 5.7	sq. ft.	Existing area: <b>4.69</b>	sq. ft.
Clear width required: 22	"	Existing width: 39 $\frac{3}{4}$	"
Clear height required: <b>22</b>	"	Existing height: <b>17</b>	"
Maximum sill height: 44	" above finished floor	Existing sill: 35 $\frac{1}{2}$	

**Unit B**

Openable area required: 5.7	sq. ft.	Existing area: <b>4.69</b>	sq. ft.
Clear width required: 22	"	Existing width: 39 $\frac{3}{4}$	"
Clear height required: <b>22</b>	"	Existing height: <b>17</b>	"
Maximum sill height: 44"	above finished floor	Existing sill: 20	"

Staff recommendation: Grant extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: March 15, 2011

Attachments: Cycle Reports, BHQA Appeal, Petitioner's Letter, Photo



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Petitioner's Name: fiction Property Mgmt. & Realty

Petitioner's Address & Phone Number: 408 W. 6th - Bloomington, IN 47404

Owner's Name: R2R Properties - Kevin Schick

Owner's Address & Phone Number: 7817 Gabacho St. Carlsbad, CA 92009

Address of Property: 508 N. Adams St. Bloomington, IN 47404

Occupant(s) Name(s): <sup>(A)</sup> Victoria Rossiter - <sup>(B)</sup> Jason Nguyen - <sup>(C)</sup> Sam Shrader, Frank Bayer

The following conditions must be found in each case in order for the Board to consider the request: Danilo Caacoves  
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.  
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, MIKE Shepherd  
safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)  
↳ Specify the items that need the extension of time to complete  
↳ Explain why the extension is needed  
↳ Specify the time requested
- ☒ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)  
↳ Specify the code reference number you are appealing  
↳ Detail why you are requesting the variance  
↳ Specify the modifications and or alterations you are suggesting  
\* Going for State Variance for WINDOWS
- ☐ C. Relief from an administration decision. (Petition type: AA)  
↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)  
↳ Detail the existing variance  
↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: Linda Quillen

Name (print): LINDA QUIHLEN

(Will be assigned by BHQA)

10-TV-112

Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request)



Application for Appeal  
To The  
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P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

432 Northlane - needs extension of time  
while trying to get a Variance from  
the state for the Windows

508 N. Adams - also needs extension of time  
while trying to get a Variance from the  
State for the Windows

Signature:

Linda Swiller

Date:

10/21/10

## Cycle Report

10

### OWNERS

=====

SCHICK, KEVIN W.  
7817 GABACHO ST.  
CARLSBAD, CA 92009

### AGENT

=====

ACTION PROPERTY MGMT. & REALTY  
408 W. 6TH ST.  
BLOOMINGTON IN 47404

Prop. Location: 508 N ADAMS ST  
Date Inspected: 08/13/2010  
2-1br.

Inspectors: Sean Person  
Primary Heat Source: Gas  
Property Zoning: RC  
Number of Stories: 1

Number of Units/Structures: 9/1  
Number of Bedrooms: 7 S.R.;

Max # of Occupants: 1/2  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure: None

### VARIANCE

=====

03/08/2001 Special exception to the minimum ceiling height requirement and minimum room width for the southwest room.

## INTERIOR

### Unit A

#### Kitchen (11-7 x 11-7)

No violations noted.

#### Hallway

No violations noted.

### **Bedroom (9-2 x 9-4)**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: <b>4.69</b> sq. ft.
Clear width required: 22 "	Existing width: 39 ¾ "
Clear height required: <b>22</b> "	Existing height: <b>17</b> "
Maximum sill height: 44 "	Existing sill: 35 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

### **Living Room (9-2 x 11-1)**

No violations noted.

### **Bathroom**

No violations noted.

### **Laundry Room**

Properly repair floor next to the flue that penetrates the flooring. This includes but is not limited to replacing or repairing damaged or deteriorated floor covering. An approved boot / shield should be used where floor and flue make connection. PM-304.2 & PM-304.4

### **Bathroom**

No violations noted.

## **Unit B**

### **Hallway**

No violations noted.

### **Bedroom (8-10 x 11-7)**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: <b>4.69</b> sq. ft.
Clear width required: 22 "	Existing width: 39 ¾ "
Clear height required: <b>22</b> "	Existing height: <b>17</b> "
Maximum sill height: 44 "	Existing sill: 20 "



The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

**Living Room (10-4 x 9-3)**

No violations noted.

**Hallway**

No violations noted.

**Kitchen (11-0 x 7-5)**

No violations noted.

**Study (7-9 x 9-2)**

No violations noted.

**Bathroom**

No violations noted.

**Unit C**

Note: Unit C has seven (7) bedrooms labeled 1-7 with a common Kitchen, two (2) common bathrooms and one (1) common Living Room.

**Living Room (12-0 x 13-0)**

Install a smoke detector in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall.  
PM-704.1

**Kitchen (9-0 x 12-0)**

No violations noted.

**Bathroom**

No violations noted.

**Bathroom**

No violations noted.

**#1 (11-2 x 9-1)**

Replace the missing smoke detector. PM-704.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22 "	Existing width: 20 "
Clear height required: 22 "	Existing height: 43 ¼ "
Maximum sill height: 44 "	Existing sill: 43 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#2 (12-11 x 6-3)**

Note: This room has a variance that was granted on March 8, 2001 for minimum room width.

Repair/replace the damaged door. PM-304.6

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22 "	Existing width: 20 "
Clear height required: 22 "	Existing height: 43 ¼ "
Maximum sill height: 44 "	Existing sill: 43 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#3 (9-4 x 9-5)**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22 "	Existing width: 20 "
Clear height required: 22 "	Existing height: 43 ¼ "
Maximum sill height: 44 "	Existing sill: 43 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#4 (9-11 x 9-1)**

Repair the hanging smoke detector. PM-704.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22 "	Existing width: 20 "
Clear height required: 22 "	Existing height: 43 ¼ "
Maximum sill height: 44 "	Existing sill: 43 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#5 (8-2 x 12-8)**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
--------------------------------------	-----------------------------

Clear width required: 22	”	Existing width: 20	“
Clear height required: 22	”	Existing height: 43 ¼	“
Maximum sill height: 44	” above finished floor	Existing sill: 43 ½	“

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#6 (8-0 x 9-6)**

Install a smoke detector in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall.  
PM-704.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22	” Existing width: 20
Clear height required: 22	” Existing height: 43 ¼
Maximum sill height: 44	” above finished floor Existing sill: 43 ½

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

#### **#7 9-8 x 8-0)**

Note: During the cycle inspection this room was not occupied.

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1973:

Openable area required: 5.00 sq. ft.	Existing area: 6.00 sq. ft.
Clear width required: 22 "	Existing width: 20 "
Clear height required: 22 "	Existing height: 43 ¼ "
Maximum sill height: 44 "	Existing sill: 43 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

### **EXTERIOR**

No violations noted.

### **OTHER REQUIREMENTS**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

**Monroe County, IN**  
**Property Assessment Detail Report**  
**Parcel Number : 53-05-32-207-051.000-005**

Parcel Information		Taxing District	
<b>Parcel Number:</b>	53-05-32-207-051.000-005	<b>Township:</b>	BLOOMINGTON TOWNSHIP
<b>Alt Parcel Number:</b>	0133194000	<b>Corporation:</b>	MONROE COUNTY COMMUNITY
		Land Description	
<b>Property Address:</b>	508 N ADAMS ST BLOOMINGTON, IN 47404	<b>Land Type</b>	<b>Acreage Dimensions</b>
<b>Neighborhood:</b>	36a BLOOMINGTON CITY-COM/RES A	9rr	0.1100
<b>Property Class:</b>	1 Family Dwell - Platted Lot		
<b>Legal Description:</b>	013-31940-00 J N ALEXANDER PT (N 60') LOT 98 PLAT L98A		
<b>Legal Acreage:</b>	0.11000000		
<b>Owner Name:</b>	R2R Properties LLC		
<b>Owner Address:</b>	Po Box 231142 Encinitas, CA 92023-1142		

**Transfer Of Ownership**

Date	Name
06-19-2007	R2R PROPERTIES LLC
01-11-2007	SCHICK, KEVIN W & AMELIA E
11-23-2004	R2R PROPERTIES LLC
04-01-2004	SCHICK, KEVIN W & AMELIA E
08-15-2003	SCHICK, KEVIN W & AMELIA E
12-17-1997	ZZ SHELTER INC
12-17-1997	SHELTER INC
08-10-1995	WAXLER, MYER & WAXLER, HENRY JAY
05-27-1988	WAXLER, MYER
06-07-1982	WAXLER, BEN & MYER
01-01-1900	MC GLAUN, ALICE L
01-01-1900	UNKNOWN

**Sales**

Sale Date	Sale Price	Buyer Name	Seller Name
11-19-2004	\$0.00	R2R PROPERTIES, LLC	KEVIN W SCHICK
03-31-2004	\$79,900.00	KEVIN W SCHICK	MONROE BANK
08-12-2003	\$0.00	MONROE BANK	SHELTER, INC

**Valuation Record**

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2010	Annual Adjustment	7300	71700	79000
01-01-2009	MISCELLANEOUS	7300	71700	79000
01-01-2008	MISCELLANEOUS	7300	71700	79000
01-01-2007	MISCELLANEOUS	7300	71700	79000
01-01-2006	MISCELLANEOUS	7300	70500	77800

01-01-2005	MISCELLANEOUS	6800	69100	75900
01-01-2004	Homestead Change	6800	69100	75900
01-01-2002	GENERAL REVALUATION	6800	69100	75900
01-01-2001	ADDITION TO EXISTING STRUCTURE	0	0	0
01-01-1998	Error Correction (Form 133)	0	0	0
01-01-1995	GENERAL REVALUATION	0	0	0
01-01-1994	GENERAL REVALUATION	0	0	0

Public Utilities		Exterior Features		Special Features	
Water:	N	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N	Stoop, Masonry	84		
Gas:	N	Stoop, Masonry	84		
Electricity:	N	Patio, Concrete	144		
All:	Y				

Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area
Single-Family R 01	D+2	F	1973	1973	2304

### Residential Dwelling Information

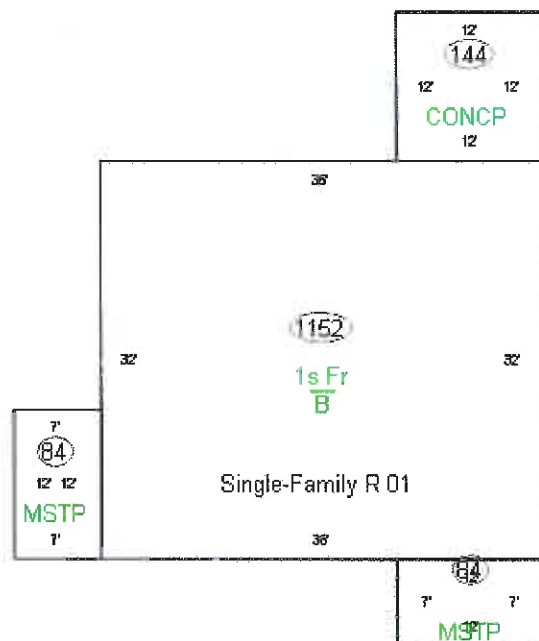
#### Single-Family R 01

Accommodations		Plumbing		Other	
Bed Rooms:	9	Full Baths:	4	Heat Type:	Central Warm Air
Finished Rooms:	15	Full Baths Fixtures:	12	Air Cond. Area:	1152
		Kitchen Sinks:	3		

Floors			
Floor	Construction	Base	Finished
B		1152	1152
1	Wood Frame	1152	1152

### Photos and Sketches









City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Variance**

Meeting Date: December 8, 2010

Petition Type: A modification or exception to the Property Maintenance Code

Variance Request: To allow an openable window to remain sealed closed.

Petition Number: 10-V-113

Address: 2615 E. 5th

Petitioner: George Huntington

Inspector: Robert Hoole

Staff Report: June 7, 2010 Cycle inspection report mailed  
September 27, 2010 Reinspection with owner, property still vacant  
October 29, 2010 Appeal filed

The petitioner is seeking a variance to allow one openable window in the living room to remain sealed in the closed position. Other windows in the room are fully functional. The hardware on the window in question is obsolete and cannot be replaced.

Staff recommendation: Grant the variance

Conditions: None

Compliance Deadline: None

Attachments: Cycle inspection report, appeal form

2



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

2615  
WINDOW

Petitioner's Name:

George Huntington

Petitioner's Address & Phone Number:

2524 Eastgate Lane Bloomington 812 369-0604

Owner's Name:

Huntington Family LLC

Owner's Address & Phone Number:

SAME

Address of Property:

2615 E. Fifth St.

Occupant(s) Name(s):

CURRENTLY VACANT

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

☐

- A. An extension of time to complete repairs. (Petition type: TV)
- ↳ Specify the items that need the extension of time to complete
  - ↳ Explain why the extension is needed
  - ↳ Specify the time requested

☒

- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
- ↳ Specify the code reference number you are appealing
  - ↳ Detail why you are requesting the variance
  - ↳ Specify the modifications and/or alterations you are suggesting

☐

- C. Relief from an administration decision. (Petition type: AA)
- ↳ Specify the decision being appealed and the relief you are seeking

☐

- D. Rescind a variance. (Petition type: RV)
- ↳ Detail the existing variance
  - ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature:

*George Huntington*

Name (print):

George Huntington

10-V-113

Petition Number:

(Please use the reverse side for further explanation and/or request)



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

One of three windows in the living room will not open the way it is intended to (hand crank). We cannot find a replacement or parts to repair. The window has been permanently screwed shut so it will not open. The other two windows in the room function properly - one on the south wall and one on the east wall.

Signature:

A handwritten signature in black ink, appearing to read "Morgan".

Date:

10/26/10

## Cycle Report

4935

### OWNERS

=====

HUNTINGTON FAMILY LLC  
1532 CLAIRMONT PLACE  
BLOOMINGTON, IN 47401

### AGENT

=====

HUNTINGTON, GEORGE E.  
2524 EASTGATE LANE  
BLOOMINGTON IN 47408

Prop. Location: 2615 E 5TH ST  
Date Inspected: 06/02/2010  
Inspectors: Robert Hoole  
Primary Heat Source: Gas  
Property Zoning: RC  
Number of Stories: 1

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 3  
Max # of Occupants: 3  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure:

## INTERIOR

### Living room (18 x 12)

Repair all window cranks to function as intended. PM-303.13.2

### Hallway

No violations noted.

### Southeast bedroom (10 ½ x 8 ½)

Repair the window to open and close as intended. The window will be measured at reinspection.  
PM-303.13.2

Properly ground the electrical receptacle on the north wall. If the receptacle is on an ungrounded system, it is acceptable to install a 2-pole, ungrounded receptacle, or a GFCI receptacle. PM-605.1

Southwest bedroom (12 x 9)

**Existing Egress Window Measurements:**

**Height:** 35 inches  
**Width:** 16 inches  
**Sill Height:** 44 inches  
**Openable Area:** 3.88 sq. ft.

**Note:** These measurements are for reference only. There is no violation of the emergency egress requirements.

Bath

No violations noted.

Kitchen (10 x 13)

Repair the window above the sink to open and close as intended. PM-303.13.2

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Basement northeast room (11 x 14)

No violations noted.

Basement southeast room (10 x 18)

No violations noted.

Basement utility room

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1



### **EXTERIOR**

From May 15th to October 15th of each year, every door opening directly from any rental unit to the outdoors, and every window or other outside opening used for ventilation purposes shall be supplied with approved screening. PM-303.14

### **OTHER REQUIREMENTS**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: December 8, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-114

Address: 3200 John Hinkle Pl. C

Petitioner: Beth Watson (mother)

Inspector: Robert Hoole

Staff Report: July 23, 2010 Cycle inspection report mailed  
August 6, 2010 Spoke with owner's mom concerning report  
September 27, 2010 Reinspection  
October 4, 2010 2<sup>nd</sup> reinspection  
October 28, 2010 Appeal filed

During the cycle inspection report it was noted that the egress windows did not meet the code requirements in place at the time of construction. The petitioner is requesting an extension of time to complete the process of requesting a variance from the State of Indiana. All other items have been completed and reinspected.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: February 8, 2011

Attachments: Appeal form, remaining violations report



RECEIVED  
OCT 28 2010

BY: \*\*\*\*\*

Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

OCT 28 2010

Petitioner's Name: Math Watson

Petitioner's Address & Phone Number: 2801 FORRESTER ST. 339-3665  
BLGTN 47401

Owner's Name: Same

Owner's Address & Phone Number: Same

Address of Property: 3200 John Hinkle Place Apt C Bgtn

Occupant(s) Name(s): \_\_\_\_\_

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



A. An extension of time to complete repairs. (Petition type: TV)

- ↳ Specify the items that need the extension of time to complete
- ↳ Explain why the extension is needed
- ↳ Specify the time requested



B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- ↳ Specify the code reference number you are appealing
- ↳ Detail why you are requesting the variance
- ↳ Specify the modifications and or alterations you are suggesting



C. Relief from an administration decision. (Petition type: AA)

- ↳ Specify the decision being appealed and the relief you are seeking



D. Rescind a variance. (Petition type: RV)

- ↳ Detail the existing variance
- ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: Beth Watson

Name (print): BETH WATSON

10-TV-114

Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request).



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

Math is out of the country (Mexico), studying until late December. ~~He will return~~

The windows have been repaired with new parts.

Upon return he will take care of necessary variance procedures or ~~what~~ whatever else is necessary.

Signature:

Beth Watson  
(mother)

Date:

10-28-10



**City of Bloomington  
Housing and Neighborhood Development**

OCT 22 2010

Remaining Violations Report  
Reinspected 9/27/2010 and 10/4/2010

4880

OWNERS

=====

WATSON, MATTHEW  
2801 S. FORRESTER STREET  
BLOOMINGTON, IN 47401

Prop. Location: 3200 E JOHN HINKLE C  
Date Inspected: 07/13/2010  
Inspectors: Robert Hoole  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 3  
Max # of Occupants: 5  
Foundation Type: Slab  
Attic Access: N/A  
Accessory Structure:

**REINSPECTION REQUIRED**

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

## INTERIOR

Egress window requirements at the time of construction (1993):

Height: 24 inches  
Width: 20 inches  
Sill Height: 26 inches  
Openable Area: 5.7 sq. ft.

### Front bedroom (10 x 9)

#### **Existing Egress Window Measurements:**

Height: 23 inches  
Width: 35 inches  
Sill Height: 26 inches  
Openable Area: 5.59 sq. ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

### Middle bedroom (9 x 10)

#### **Existing Egress Window Measurements:**

Height: 23 inches  
Width: 35 inches  
Sill Height: 26 inches  
Openable Area: 5.59 sq. ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Rear bedroom / bath (10 x 13)

**Existing Egress Window Measurements:**

**Height:** 23 inches

**Width:** 43 inches

**Sill Height:** 26 inches

**Openable Area:** 6.86 sq. ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

**OTHER REQUIREMENTS**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)





City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: December 8, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-116

Address: 1725, 1727 N. Lincoln

Petitioner: John West

Inspector: Robert Hoole

Staff Report: September 16, 2010 Cycle inspection reports mailed  
November 8, 2010 Appeal filed

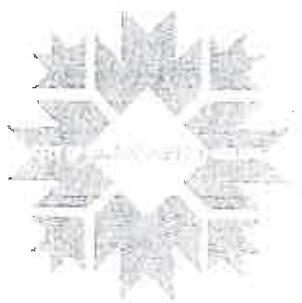
During the cycle inspection it was noted that the egress windows do not meet the code requirements in place at the time of construction. The petitioner is seeking a 90 day extension of time to complete the process of securing a variance from the State of Indiana to allow the windows to remain as they are.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: March 8, 2011

Attachments: Appeal form, cycle inspection reports



**Application For Appeal  
To The  
Board of Housing Quality Appeals**  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420  
hand@bloomington.in.gov

**RECEIVED**  
NOV 14 2010

BY: \_\_\_\_\_

**Property Address:** 1725, 1727 N Lincoln (College Park Condos)

**Petitioner's Name:** John West

**Address:** 2051 S. Ramsey Dr

**City:** Bloomington

**State:** Indiana

**Zip Code:** 47401

**Phone Number:** (812) 330-7500

**E-mail Address:** jwest@tuckerbloomington.com

**Owner's Name:** JLW Properties, LLC

**Address:** Same as above

**City:**

**State:**

**Zip Code:**

**Phone Number:**

**E-mail Address:**

**Occupants:** Students

**The following conditions must be found in each case in order for the Board to consider the request:**

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

**Identify the variance type that you are requesting from the following drop down menu:**

**Variance Type:** A modification or exception to the Housing Property Maintenance Code. (Petition Type: *TV*)

**Reminder:**

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

*10-TV-116*

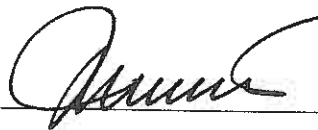
Petition Number: \_\_\_\_\_

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
  - 1. Specify the items that need the extension of time to complete.
  - 2. Explain why the extension is needed.
  - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
  - 1. Specify the code reference number you are appealing.
  - 2. Detail why you are requesting the variance.
  - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
  - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
  - 1. Detail the existing variance.
  - 2. Specify the reason the variance is no longer needed.

Both 1725 and 1727 have been cited for undersized windows per the minimum building code of 1990 (BMC-16.02.040). An egress variance must be applied for with the Fire Prevention And Building Safety Commission at the state of Indiana's Department of Homeland Security. The existing window height is 4" smaller then the minimum required by code. It is anticipated that a 90 day extension is required to obtain the variance.

Signature (Required):



Name (Print): John West

Date: 11/4/10

**Important information regarding this application format:**

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

3478

OWNERS

=====

JLW PROPERTIES  
2534 SPICEWOOD LANE  
BLOOMINGTON, IN 47401

AGENT

=====

WEST, JOHN  
2534 SPICEWOOD LANE  
BLOOMINGTON IN 47401

Prop. Location: 1725 N LINCOLN ST  
Date Inspected: 08/13/2010  
Inspectors: Robert Hoole  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 2  
Max # of Occupants: 4  
Foundation Type: Crawl Space  
Attic Access: Yes  
Accessory Structure:

**INTERIOR**

Living room (12 x 18)

Repair the entry door to latch properly. PM-303.15

Kitchen (10 x 6)

A minimum **1A 10BC** classification fire extinguisher shall be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress. The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

40

1<sup>st</sup> floor bath

No violations noted.

2<sup>nd</sup> floor hallway

Install a hard-wired smoke detector, interconnected with the smoke detector on the 1<sup>st</sup> floor. PM-704.1

Rear bedroom / bath (11 x 13)

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990:

Openable area required:	5.7 sq. ft.	Existing area:	4.72 sq. ft.
Clear width required:	20"	Existing width:	34"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	44" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

Front bedroom / bath (13 x 11)

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990:

Openable area required:	5.7 sq. ft.	Existing area:	4.72 sq. ft.
Clear width required:	20"	Existing width:	34"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	44" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

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2<sup>nd</sup> floor toilet room

No violations noted.

Attic

No violations noted.

Crawlspace

No violations noted.

**EXTERIOR**

No violations noted.

**OTHER REQUIREMENTS**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

3477

OWNERS

=====

JLW PROPERTIES  
2534 SPICEWOOD LANE  
BLOOMINGTON, IN 47401

AGENT

=====

WEST, JOHN  
2534 SPICEWOOD LANE  
BLOOMINGTON IN 47401

Prop. Location: 1727 N LINCOLN ST  
Date Inspected: 08/13/2010  
Inspectors: Robert Hoole  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 2  
Max # of Occupants: 4  
Foundation Type: Crawl Space  
Attic Access: Yes  
Accessory Structure:

INTERIOR

Living room (12 x 18)

No violations noted.

Kitchen (10 x 6)

No violations noted.

1<sup>st</sup> floor bath

No violations noted.

2<sup>nd</sup> floor hallway

No violations noted.

43

Rear bedroom / bath (11 x 13)

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990:

Openable area required:	5.7 sq. ft.	Existing area:	4.72 sq. ft.
Clear width required:	20"	Existing width:	34"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	44" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

Front bedroom / bath (13 x 11)

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990:

Openable area required:	5.7 sq. ft.	Existing area:	4.72 sq. ft.
Clear width required:	20"	Existing width:	34"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	44" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the **Department of Homeland Security** on the **Fire Prevention and Building Safety Commission's** web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to **Downloadable Forms and Documents** and click on **Variance Application and Instructions**. If you need any further clarification, the Commission can be reached at 317.233.5341.

2<sup>nd</sup> floor toilet room

No violations noted.



Attic

No violations noted.

Crawlspace

No violations noted.

**EXTERIOR**

No violations noted.

**OTHER REQUIREMENTS**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: 08 December 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-117

Address: 401 S. Woodlawn Ave.

Petitioner: Pavilion Properties

Inspector: Michael Arnold

Staff Report:

16 October 2009	No show for Cycle Inspection
09 November 2009	Cycle Inspection
17 November 2009	Sent Inspection report
26 January 2010	Reinspection complete exc. for ext. painting
02 February 2010	Sent Temporary Permit
08 October 2010	Received Notice exterior was completed
13 October 2010	Drive-by Exterior not finished
20 October 2010	Sent Exterior Extension reminder
28 October 2010	Spoke to Melissa Re: Ext. Painting
09 November 2010	Received Request for Ext. of Time

During the drive by inspection on 13 October 2010 it was noted that the exterior painting was not completed. Sent the Exterior reminder, then received phone call from Pavilion. Informed Melissa that not all painting was done. Suggested they file for an extension of time in case the painting was not completed before the deadline of 09 November 2010.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: 31 December 2010

Attachments: Exterior Extension reminder, Pictures, Application



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

RECEIVED  
JUN 29 2006

RECEIVED  
JUN 29 2006

Petitioner's Name: By: Pavilion Properties

BY: \_\_\_\_\_

Petitioner's Address & Phone Number: 601 N. Walnut St. 712-333-2332

Owner's Name: \_\_\_\_\_

Owner's Address & Phone Number: \_\_\_\_\_

Address of Property: 401 S. Woodman Ave

Occupant(s) Name(s): \_\_\_\_\_

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
  2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
  - ↳ Specify the items that need the extension of time to complete
  - ↳ Explain why the extension is needed
  - ↳ Specify the time requested
- ☐ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
  - ↳ Specify the code reference number you are appealing
  - ↳ Detail why you are requesting the variance
  - ↳ Specify the modifications and or alterations you are suggesting
- ☐ C. Relief from an administration decision. (Petition type: AA)
  - ↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
  - ↳ Detail the existing variance
  - ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: [Signature]

Name (print): Mark Hoffman

10-TV-117  
Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request).



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

Special order windows will not be  
in until Dec 1, 2010

Signature:

A handwritten signature in black ink, appearing to be "Kurt".

Date:

11/9/10



**City of Bloomington  
Housing and Neighborhood Development**

OCT 20 2010

Exterior Extension Reminder

1884

OWNERS

=====

PAVILION PROPERTIES  
601 N. WALNUT ST  
BLOOMINGTON, IN 47404

Prop. Location: 401 S WOODLAWN AVE  
Date Inspected: 11/09/2009  
Inspectors: Mike Arnold  
Primary Heat Source: Other  
Property Zoning: RH  
Number of Stories: 3

Number of Units/Structures: 10 / 1  
Number of Bedrooms: 3 each  
Max # of Occupants: 3 each  
Foundation Type: Basement  
Attic Access: Yes  
Accessory Structure: none

**This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on 09 November 2010**

If you have made all of the repairs on this report, contact our office immediately to schedule the required drive-by re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

**Exterior:**

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2 (Top level dormer windows are not complete).

## Pages

210 N. Madison Street  
BLOOMINGTON, INDIANA 47404  
(812) 332-3586 Fax (812) 331-1074

15559 To Aborder



